

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

GERARDO VALDEZ LUJAN, individually and on behalf of all other persons similarly situated who were employed by CABANA MANAGEMENT, INC. and/or GLENN FRECHTER; and/or any other entities affiliated with or controlled by CABANA MANAGEMENT, INC. and/or GLENN FRECHTER,

Plaintiffs,

- against -

CABANA MANAGEMENT, INC and/or GLENN FRECHTER, and/or any other entities affiliated with or controlled by CABANA MANAGEMENT, INC. and/or GLENN FRECHTER,

Defendants.

10-CV-755 (ILG) (RLM)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed Declaration of LaDonna M. Lusher, sworn to on October 5, 2011, and all exhibits attached thereto, and upon the Memorandum of Law in Support, Plaintiffs' move this Court for an Order striking certain declarations and evidence submitted by Defendants on August 5, 2011 in support of their opposition to Plaintiffs' Motion to certify this action as a class action pursuant to Fed. R. Civ. Pro. 23, along with other and further relief as this Court may deem just and proper.

Dated: New York, New York
October 5, 2011

_____/s/_____
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